

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1765 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-2.5-4-5 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) As used in this
- 5 section: a
- 6 (1) **"commercial consumption" means consumption other**
- 7 **than domestic consumption; and**
- 8 (2) "power subsidiary" means a corporation which is owned or
- 9 controlled by one (1) or more public utilities that furnish or sell
- 10 electrical energy, natural or artificial gas, water, steam, or steam
- 11 heat and which produces power exclusively for the use of those
- 12 public utilities.
- 13 (b) A power subsidiary or a person engaged as a public utility is
- 14 a retail merchant making a retail transaction when the subsidiary or
- 15 person furnishes or sells electrical energy, natural or artificial gas,
- 16 ~~water~~, steam, or steam heating service to a person for commercial or
- 17 domestic consumption. **A power subsidiary or a person engaged as**
- 18 **a public utility is a retail merchant making a retail transaction**
- 19 **when the subsidiary or person furnishes or sells water to a person**
- 20 **for commercial consumption.**
- 21 (c) Notwithstanding subsection (b), a power subsidiary or a person
- 22 engaged as a public utility is not a retail merchant making a retail
- 23 transaction when:
- 24 (1) the power subsidiary or person provides, installs, constructs,
- 25 services, or removes tangible personal property which is used in
- 26 connection with the furnishing of the services or commodities
- 27 listed in subsection (b);

1 (2) the power subsidiary or person sells the services or
2 commodities listed in subsection (b) to another public utility or
3 power subsidiary described in this section or a person described
4 in section 6 of this chapter; ~~or~~

5 (3) the power subsidiary or person sells the services or
6 commodities listed in subsection (b) to a person for use in
7 manufacturing, mining, production, refining, oil extraction,
8 mineral extraction, irrigation, agriculture, or horticulture.
9 However, this exclusion for sales of the services and
10 commodities only applies if the services are consumed as an
11 essential and integral part of an integrated process that produces
12 tangible personal property and those sales are separately metered
13 for the excepted uses listed in this subdivision, or if those sales
14 are not separately metered but are predominately used by the
15 purchaser for the excepted uses listed in this subdivision; **or**

16 **(4) the power subsidiary or person furnishes or sells water to**
17 **a person for domestic consumption.**

18 SECTION 2. [EFFECTIVE JULY 1, 1999] **IC 6-2.5-4-5, as**
19 **amended by this act, applies to transactions for which the charges**
20 **are collected upon original statements and billings dated after June**
21 **30, 1998, regardless of when the public utility services were**
22 **contracted for or delivered."**

23 Renumber all SECTIONS consecutively.

(Reference is to HB 1765 as printed February 11, 1999.)

Representative MURPHY